

## **IDAPA 02 - DEPARTMENT OF AGRICULTURE**

### **02.06.33 - ORGANIC FOOD PRODUCT RULES**

#### **DOCKET NO. 02-0633-1201 (FEE RULE)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 22-1103, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The proposed rule provides industry with a new optional seal for promotion purposes, and a new optional registration of branded materials for organic use.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, Vol. 12-10, pages 56 through 60.

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 22-1106, Idaho Code:

ISDA may charge fees no greater than the following amounts to those persons desiring to register branded materials with the Organic Foods Program:

1. \$200 initially, and annually thereafter, to persons already accredited by another qualifying materials entity;
2. \$500 initially, and from \$500 to \$5000 annually relative to the amount of annual sales of the registered materials.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No impact on the general fund. The Organic Food Program Fund 0332-10 will have increased annual revenue estimated at \$10,000 to \$20,000 to cover estimated costs of providing services to industry.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Brandon Lamb, Program Manager, (208) 332-8675.

DATED this 30th day of October, 2012.

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No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 12-10, October 3, 2012, pages 56 through 60.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and approval by the 2013 Idaho State Legislature for final adoption.